

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Schwartz, Robert et al.

Serial No.: 10/763,037

Filed: January 22, 2004

Art Unit: 1633

Examiner: Scott Long

For: **CLEAVED SERUM RESPONSE FACTOR IN CARDIAC DIAGNOSIS
AND THERAPY**

STATEMENT OF SUBSTANCE OF INTERVIEW

During the telephonic interview of March 7, 2009, the Examiner and attorney for Applicants discussed the following:

(1) Applicants' concern that the Advisory Action did not adequately address their arguments regarding post-KSR decisions was discussed. Applicants wish to note that the citation reproduced in the Interview Summary issued by the Office referred to Ortho-McNeil Pharmaceutica v. Caraco Pharm. Labs. Ltd., and that Applicants Representatives were in fact referring to the following cases (as cited on p. 5 of the Amendment filed January 7, 2009):

Ortho-McNeil Pharmaceutical Inc. v. Mylan Laboratories Inc. 86 USPQ 2d 1196 (Fed. Cir. 2008),

Eisai Co. Ltd. v. Dr. Reddy's Laboratories Ltd., 87 USPQ 2d 1452 (Fed. Cir. 2008),

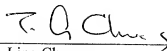
(2) The role of apoptosis in disease, the role of caspases 3, 7, and 8, in apoptosis, and the relationship of this information to the 103(a) rejection was discussed;

(3) The Examiner discussed advancing prosecution and addressing rejections of record by providing evidence that SRF cleavage is not involved in all apoptotic pathways in various tissues, and is involved in non-apoptotic pathways in cardiac tissues, which might teach away from the claimed invention, and might indicate that SRF cleavage would not be an obvious choice in methods of diagnosing cardiac disease through identifying evidence of apoptosis;

(4) Applicants indicated that an RCE would be filed.

(5) No agreement was reached, regarding allowable matter.

Respectfully submitted,



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June 15, 2009

Date